

MINUTES OF REGULAR MEETING March 21, 2007

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Rob Haynes, Matt Severino, Lisa Nargi, Patricia Dziubek and Frank Mazza. J. Peter Jost, Esq., Township Attorney; John Reymann, P.E., Township Engineer and Ella Malecki Ruta, Township Clerk, were also present.

APPROVAL OF MINUTES –Regular and Executive Session Meeting of 03/07/07; - Motion was made by Mrs. Dziubek, seconded by Mrs. Nargi, to adopt said Minutes. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

At 7:05 p.m. the following resolution was introduced for adoption.

RESOLUTION#2007-48

EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Personnel.

Motion was made by Mrs. Dziubek, seconded by Mr. Severino, to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

At approximately 8:10 p.m. motion was made by Mr. Severino, seconded by Mrs. Dziubek, to return to the regular meeting. Motion carried by unanimous favorable roll call vote.

After coming out of Executive Session motion was made by Mr. Haynes, requested by Construction Official, Mr. Leonard that Peter Ball, Alternate Construction Official handle administrative and inspection functions in regard to the Grand Colonial Project. Mrs. Nargi seconded. Motion carried by unanimous favorable roll call vote.

REPORTS RECEIVED

- a. **Building Dept.** – February 2007
- b. **Municipal Court** – February 2007
- c. **Road Dept.** 3/5/07 – 3/9/07 & 3/12/07-3/18/07 – Mayor Mazza stated that two pieces of equipment are needed for Road Dept.
- d. **Finance Officer** – Claims Register 3/21/07
- e. **Zoning Officer** - February 1 – March 14, 2007 – Mayor Mazza mentioned that Zoning Officer, Mr. Mills resigned from his position as of March 15, 2007.

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CORRESPONDENCE

- Mr. Severino mentioned a letter from South Branch Watershed Association of Sixteenth Annual South Branch River Clean Up; Township together with the Environmental Commission will volunteer to help, - questioned receipt of Township files from Maser Consulting; Mr. Reymann confirmed receipt of files.
- Mayor Mazza mentioned the following: -letter from USDA Hunterdon-Somerset Farm Service Agency looking for farm maps to update County GIS system; Engineer will respond; - letter from DEP stating drinking water results at Exxon; after treatment water is safe for drinking; -letter from township resident Stacey Borque asking to put No Outlet sign at the Meadow Lane; after a brief discussion it was decided the town engineer will look in this matter.

PUBLIC COMMENTS

Frank Goldberg shared information on South Branch water clean up.

Bruce Rossi on behalf of Community Day Committee asked the Township to provide the following for the Community Day scheduled for September 9th: -insurance certificate, resolution of support, letter stating amount of money available for Community Day and posting information on township website when available.

Michelle McBride and Julie Campbell asked if a Township representative could reach out to either State Police or Police Departments in neighboring municipalities to patrol Frontage Road for trucks illegally parked and making illegal turns in front of private properties.

Mr. Neil Davis stated that there might not be enough signs for trucks to make proper turn into Pilot Station.

Tom Ricker - various issues; -expiration of Municipal Engineer Professional Appointment at the end of this month; appointment will be made at the next Committee meeting; - Park and Ride; Mayor stated that no information is available at this time; township was contacted by Lou Branin from NJDOT seeking opinions on Park & Ride in Union Twp.; after a brief discussion, motion was made by Mrs. Nargi, seconded by Mrs. Dziubek to authorize Township Engineer to write a letter to Mr. Branin in opposition to the Park & Ride in Union Township, motion was carried by unanimous favorable roll call vote; - scheduling of town meeting with Highlands Council; Mr. Reymann spoke with Mr. Nargi, chair of Environmental Commission, he will follow up with this issue.

Opinions on updating Union Township Master Plan were voiced by township residents and members of Township Committee.

OLD BUSINESS

Discussion - Ferreira Construction Co. / Pattenburg Quarry

Attorney Jost talked to Mr. Bishoff, member of the Planning Board, who questioned any jurisdiction Planning Board would have over the issue. After a brief discussion it was agreed that as soon as weather conditions improve someone would visit the site. Mr. Haynes questioned whether current resolution will apply to new owner of the Quarry.

Discussion – Report on Route 78, Exits 12/15

John Reymann will bring the issue up to date in his report.

NEW BUSINESS

- I. The following resolution was introduced for adoption:

RESOLUTION #2007-49
TOWNSHIP OF UNION, COUNTY OF HUNTERDON
STATE OF NEW JERSEY
DEFERRED SCHOOL TAX

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per

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cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that election be made to defer school taxes as of December 31, 2006, and be reflected in the Annual Financial Statement for the year 2006 as follows:

	<u>FY 06-07</u> <u>SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT</u> <u>OF DEFER TAX</u>
Local District School Tax	\$8,234,981.00	\$4,117,490.50
TOTAL MAXIMUM DEFER TAX 12/31/06		4,117,490.50
LESS – ACTUAL DEFER TAX 12/31/05		2,805,657.50
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2006		1,311,833.00
AMOUNT DEFERRED AT 12/31/06		450,000.00

Date: March 21, 2007

Motion was made by Mrs. Dziubek, seconded by Mrs. Nargi to adopt the above resolution. Vote – Ayes: Mr. Haynes, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Abstained: Mr. Severino Motion carried.

II. The following resolution was introduced for adoption:

RESOLUTION #2007-50

Resolution Introducing by Title/Approving the 2007 Municipal Budget

WHEREAS, the Township of Union is holding a meeting on March 21, 2007 for the purpose of introducing the 2007 Municipal Budget and conducting other matters; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, Hunterdon County, new Jersey, that the Township of Union hereby petitions the Director of the Division of Local Government Services that the 2007 Local Municipal Budget be introduced and approved on March 21, 2007.

2007 UNION TOWNSHIP BUDGET

Surplus Anticipated General Revenues	\$ 855,475.00
Total Miscellaneous Revenue	1,845,298.65
Amount to be Raised by Taxes	885,714.00
Receipts from Delinquent Taxes	<u>250,000.00</u>
Total General Revenues	<u>\$3,836,487.65</u>

UNION TOWNSHIP

TOWNSHIP COMMITTEE

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Total Operations	\$2,210,059.65
Capital Improvements	10,000.00
Debt Service	1,143,844.00
Statutory Expenses	122,584.00
Reserve for Delinquent Taxes	<u>350,000.00</u>
Total Municipal Budget	<u>\$3,836,487.65</u>

Motion was made by Mrs. Dziubek, seconded by Mrs. Nargi, to adopt the above resolution. Vote - Ayes: Mrs. Dziubek, Mrs. Nargi, Mr. Mazza; Naye: Mr. Haynes; Abstained: Mr. Severino. Motion Carried

III. The following resolution was introduced for adoption:

**RESOLUTION #2007-51
CONDUCTING ANNUAL BUDGET EXAMINATION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Union has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2007 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Union that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

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5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Motion was made by Mrs. Dziubek, seconded by Mrs. Nargi, to adopt the above resolution. Vote - Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried

IV. The following resolution was introduced for adoption:

**RESOLUTION #2007-52
OPPOSING ASSEMBLY BILL A-3899
REQUIRES MINUTES TO BE AVAILABLE WITHIN 30 DAYS OF MEETING**

WHEREAS, Assembly Bill No. 3899 ("A-3899") would amend the Open Public Meetings Act, N.J.S.A. 10:4-14, to require that minutes of all public meeting be available within 30 days of the date of the meeting, and would further require that a court award of attorney's fees and costs to any person who brings an action to compel compliance with this new provision; and,

WHEREAS, official minutes of public meetings are not made available to the public unless and until they are approved by the public body; and,

WHEREAS, typically, approval of minutes is scheduled for the regular meeting next following the meeting for which minutes are listed for approval; and,

WHEREAS, if a public body meets monthly, then approval of minutes for a meeting is typically scheduled for the meeting in the following month, and the next meeting date may or may not be within 30 days; and,

WHEREAS, under A-3899, a public body that meets on a monthly basis would be required to schedule additional meetings solely for the purpose of complying with this new statute, whether or not a meeting would be otherwise warranted; and,

WHEREAS, public bodies that meet less frequently would be required to move to a schedule which guarantees meetings at least once every 30 days, whether or not there is any business which would warrant a meeting; and,

WHEREAS, often meetings need to be re-scheduled to ensure a quorum or to meet and applicant's or board member's needs, and, under A-3899, meeting would be required to move forward no matter what; and,

WHEREAS, many public bodies consist entirely of volunteers, with volunteers being responsible for the preparation of minutes, and it is not always practical for minutes to be prepared, much less approved, within the arbitrary 30 day timeline; and,

WHEREAS, to expose public bodies to cost and attorney's fees under these circumstances is unfair.

WHEREAS, compliance with this new arbitrary deadline would impose additional unwarranted costs for

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municipalities, including advertising costs, professional costs (for attending additional meetings), and costs for retaining recording secretaries (in order to help meet the requirements of the legislation);

NOW THEREFORE, BE IT RESOLVED the Township of Union opposes Assembly Bill S-3899 and urges the Legislature to oppose the Bill for the reasons expressed herein; and,

BE IT FINALLY RESOLVED that a copy of this Resolution be sent to the sponsors of Assembly Bill A-3899, the members of the Assembly Housing, the Legislators for Hunterdon County, the New Jersey State League of Municipalities, the Municipal Clerks' Association of New Jersey, Inc., and all Hunterdon County Municipalities

Motion was made by Mr. Severino, seconded by Mrs. Nargi, to adopt the above resolution. Vote - Ayes: Mr. Haynes, Mr. Severino, Mrs. Dziubek; Nays: Mrs. Nargi, Mr. Mazza. Motion Carried

V. The following resolution was introduced for adoption:

RESOLUTION #2007-____
UNION TOWNSHIP, HUNTERDON COUNTY
2007 PROFESSIONAL SERVICE CONTRACT; KEY-TECH

Motion was made by Mrs. Nargi, seconded by Mrs. Dziubek to table above resolution due to incomplete submission of required contract documents. Motion carried by unanimous favorable roll call vote.

VI. The following resolution was introduced for adoption:

RESOLUTION #2007-53
UNION TOWNSHIP, HUNTERDON COUNTY
AUTHORIZING CONTRACT FOR ENVIRONMENTAL CONSULTING SERVICES FOR 2007
Princeton Hydro LLC/Stephen J. Souza, Ph. D.

WHEREAS, the Township of Union has a need for environmental consulting services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, PRINCETON HYDRO LLC has completed and submitted a Business Entity Disclosure Certification which certifies that PRINCETON HYDRO LLC has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit PRINCETON HYDRO LLC from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

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1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Princeton Hydro LLC, (Stephen J. Souza, Ph. D.) for environmental consulting services for 2007.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law because Stephen J. Souza, Ph. D. is a professional environmental consultant.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2007 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

Date: February 21, 2007

Motion was made by Mrs. Nargi, seconded by Mr. Severino, to adopt the above resolution. Vote - Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried

VII. The following resolution was introduced for adoption:

RESOLUTION #2007-54

VINCENT W. UHL & ANTHONY J. RANA

2007 Professional Services as Hydrogeologist and Geologist to represent Union Township Planning Board

Motion was made by Mrs. Nargi, seconded by Mrs. Dziubek to table above resolution due to incomplete submission of required contract documents. Motion carried by unanimous favorable roll call vote.

At this time Finance Officer, Grace Brennen left the meeting.

VIII. The following resolution was introduced for adoption:

RESOLUTION #2007-55

**Appointment of Herman Dowe as Zoning Officer for the term of 90 days
or until new appointment of the permanent officer is made**

WHEREAS, the Township of Union is in need of Zoning Officer.

NOW, THEREFORE, BE IT RESOLVED by the Union Township Committee in the County of Hunterdon and State of New Jersey as follows:

1. Herman Dowe is hereby appointed as a Zoning Officer for a term of 90 days or until appointment of a new Zoning Officer, at an annual salary of \$11, 875.00 to be prorated.
2. This Resolution shall take effect immediately upon passage.

Date: March 21, 2007

After a brief discussion it was agreed that Township Engineer, John Reymann would oversee all zoning approvals and decisions. Mayor Mazza will contact Mr. Dowe about details regarding this appointment.

Motion was made by Mrs. Nargi, seconded by Mr. Severino to adopt the above resolution. Vote - Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried

IX. **Discussion** - Vacancy; Zoning Office

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Mayor Mazza stated; - Help Wanted Ad for a zoning officer was placed in the Hunterdon County Democrat; interviews will be scheduled in the next two weeks; Mrs. Nargi, Mr. Haynes and representatives from departments working in conjunction with zoning office will be conducting interviews.

NEW ORDINANCES – 1st Reading**REPORTS**

ENGINEER'S REPORT – Mr. Reymann mentioned the following: -looked into the law of easements showing on tax maps; not all easements are required; - contacted a resident at 8 Baptistchurch Rd with drainage problem; issue resolved; -to comply with State stormwater regulation, state published brochures are available to all residents at the municipal building; -recommended letter to the State signed by Mayor Mazza regarding Interstate I-78 Access Modifications with questions and concerns; after discussion motion was made by Mrs. Nargi, seconded by Mrs. Dziubek, to authorize Mayor Mazza to send such a letter to the State and County Officials. Vote - Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek, Mr. Mazza. Motion Carried; -Mr. Dickison's property with additional driveway; after brief discussion it was agreed to contact and inform Mr. Dickison to go Union Township Board of Adjustments to obtain proper permits.

ATTORNEY'S REPORT – Mr. Jost mentioned the following: -fees Mayor could charge for performing marriages and civil unions; Mayor Mazza will not be charging any fees; - addendum to Mr. Hintz's contract; lump sum payment for services rendered for Milligan Farm; - need to resolve vacating Gambony's property (paper street); - has litigation matters for Executive Session.

MAYOR'S REPORT – no report at this time.

COMMITTEE REPORT

- Mrs. Nargi reported the following; - working on improving telephone system at municipal building.
- Mr. Severino made a motion, seconded by Mrs. Nargi for Union Township be one of the sponsors at this year's Annual South Branch Raritan River Clean Up with contribution of \$300.00, subject to availability of funds; - reminded about NIMS training next Wednesday.
- Mrs. Dziubek mentioned the following; - working with Ferriero Engineering on COAH projects; - securing two units at Lookout Point as credits for meeting COAH obligations; -working on resolving internet, email, and website management issues. After a brief discussion it was agreed to contact Township Cable Committee to find out more information on services to be provided by Patriot Media.
- Mr. Haynes reported on the following; - after last ice storm gate to the park was open, where in the past only Road Department would open it to plow; - matters for Executive Session.

CLERK'S REPORT

Motion was made by Mrs. Dziubek seconded by Mrs. Nargi to approve Application for Municipal Building use on April 5; Treasures/Tax Collector, Jack Early-Spring Conference, Raffle License # 16 and #17. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

On motion by Mrs. Nargi and second by Mrs. Dziubek two applications for Finn Park Road use were approved pending Recreation Committee approval. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

PUBLIC COMMENTS – None.

PAYMENT OF THE BILLS – Mr. Severino moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof; seconded by Mrs. Nargi. Vote – Ayes: Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Vote – Abstention: Mr. Haynes. 4 Ayes, 1 Abstention. Motion carried.

At this time Township Engineer, John Reymann left the meeting

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The following resolution was introduced for adoption:

**RESOLUTION #2007-56
EXECUTIVE SESSION**

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Union Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Union will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12: Litigation and Personnel Matters.

Motion was made by Mrs. Nargi, seconded by Mr. Severino, to adopt the above resolution. Vote – Ayes; Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

Motion was made by Mr. Severino, seconded by Mrs. Dziubek, to return to the regular meeting. Vote – Ayes; Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

Motion was made by Mrs. Dziubek, seconded by Mr. Severino to designate Mr. Nargi as the Township Committee liaison to employees through the Clerk. Motion carried by unanimous favorable roll call vote.

Motion was made by Mr. Nargi, seconded by Mr. Severino to pay Judy Fabian's four weeks vacation. Vote – Ayes; Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, a motion was made by Mr. Severino, seconded by Mrs. Dziubek, to adjourn. Vote – Ayes: Mr. Haynes, Mr. Severino, Mrs. Nargi, Mrs. Dziubek and Mr. Mazza. Motion carried.

Meeting adjourned at approximately 11:35 p.m.

Respectfully submitted,

Ella Malecki Ruta, RMC
Township Clerk